

## **DISCUSSION/ACTION AGENDA ITEM X.1**

**Date: March 10, 2010**

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Item:

### **RECOMMENDED ACTIONS FOR TRAFFIC SAFETY IMPROVEMENTS ON EDWARDS STREET AND TRINITY STREET**

Background:

At the last City Council meeting, the staff recommended proceeding with four additional traffic safety improvements on Edwards and Trinity Streets:

- Install a marked crosswalk across Trinity Street at the intersection of Trinity and Edwards Streets;
- Relocate the centerline along Edwards Street to conform to an 8-foot parking width on the north side of the street, two 11-foot traffic lanes, and a pedestrian "lane" on the south side of Edwards Street.
- Install a "fog line" at the edge of both traffic lanes on Edwards Street.
- Install a "fog line" at the edges of the traffic lanes on Trinity Street.

These improvements were in addition to those that were approved by the City Council the previous month:

- Complete the improvements to no-parking areas (red curbs) on the north side of Edwards Street;
- Support the formation of a Committee of locally concerned residents and property owners; and
- Return to the Council with the required documentation for action necessary to officially declare Edwards Street as a 20-mph zone.

At last month's meeting, some clarification was sought from members of the Council regarding the striping on Edwards Street. The map attached to this agenda item is a graphic representation of the location of the striping.

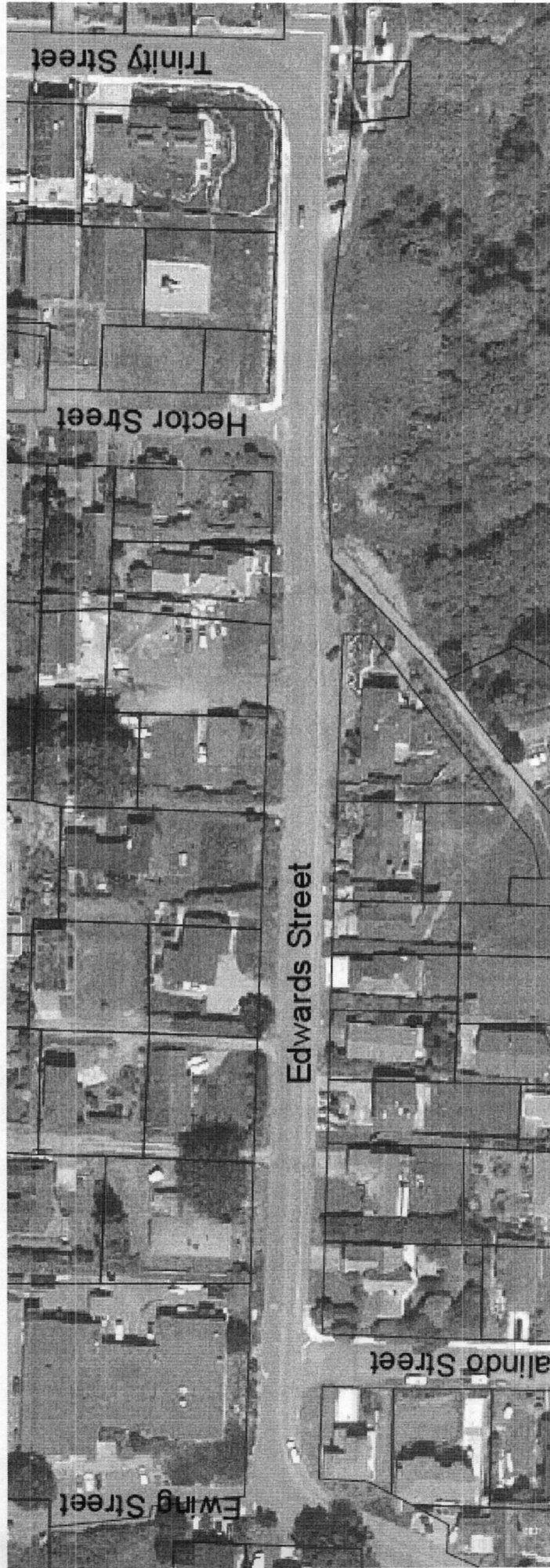
Recommended Action:

Approve the staff recommendation to implement all of the recommendations included in this agenda item.

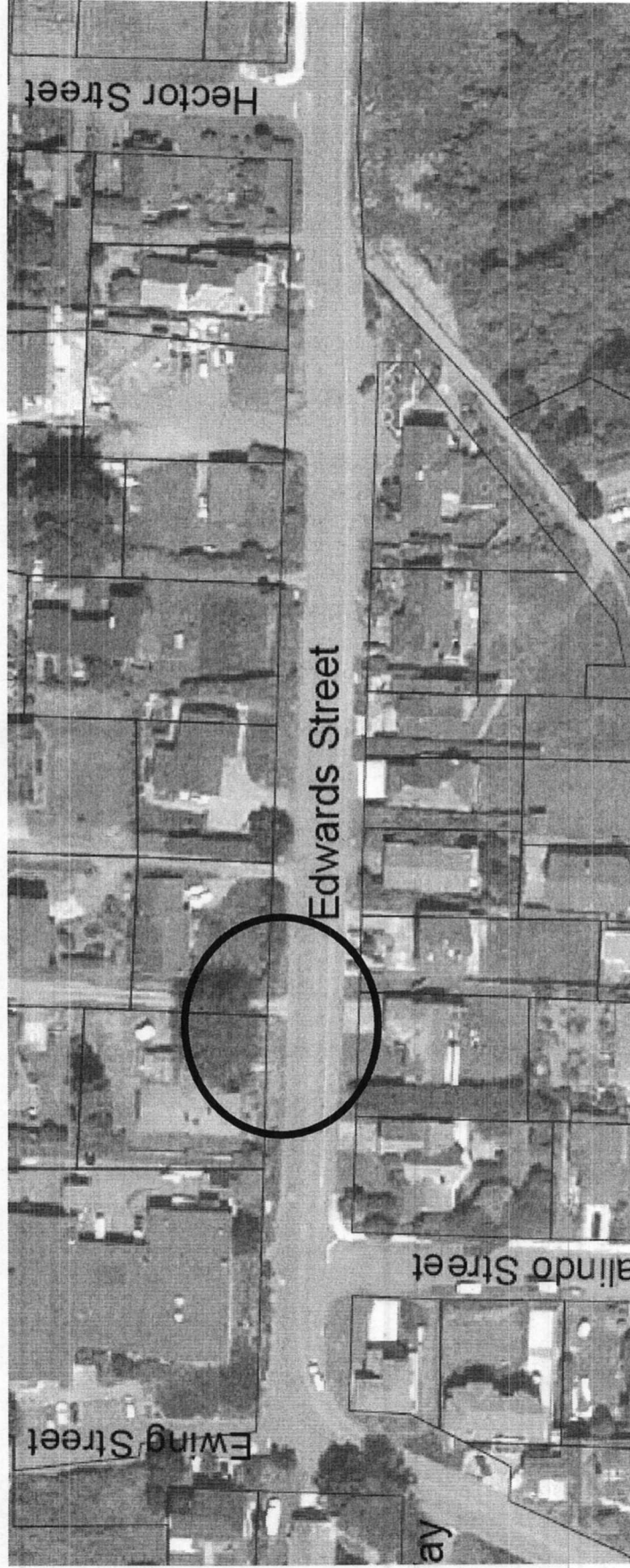
Attachments:

Map showing the location of parking, lane striping, and pedestrian striping on Edwards Street.

**EDWARDS STREET VIEW: EWING TO TRINITY**



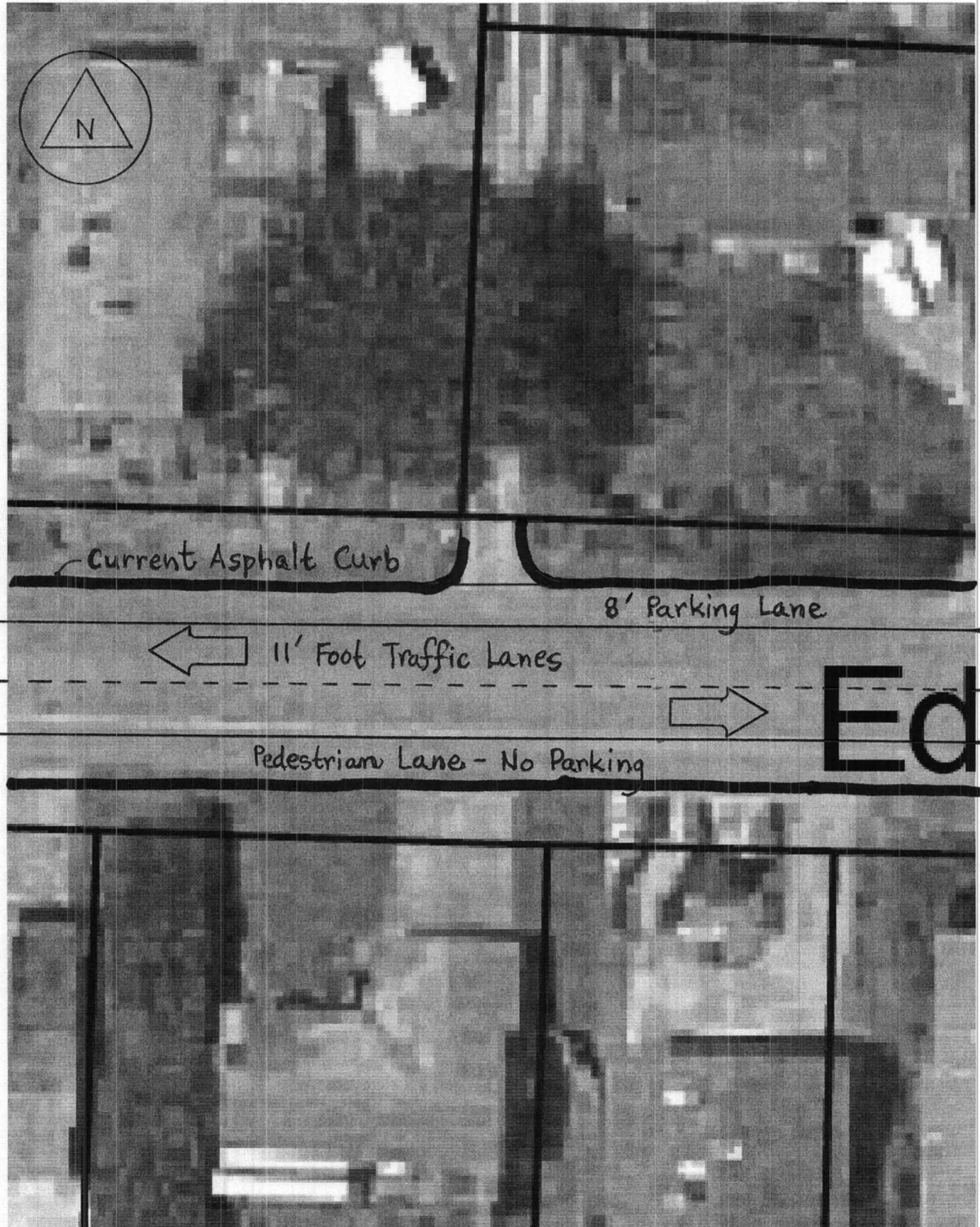
**EDWARDS STREET VIEW      EWING to HECTOR**



**SEE DETAIL 1**



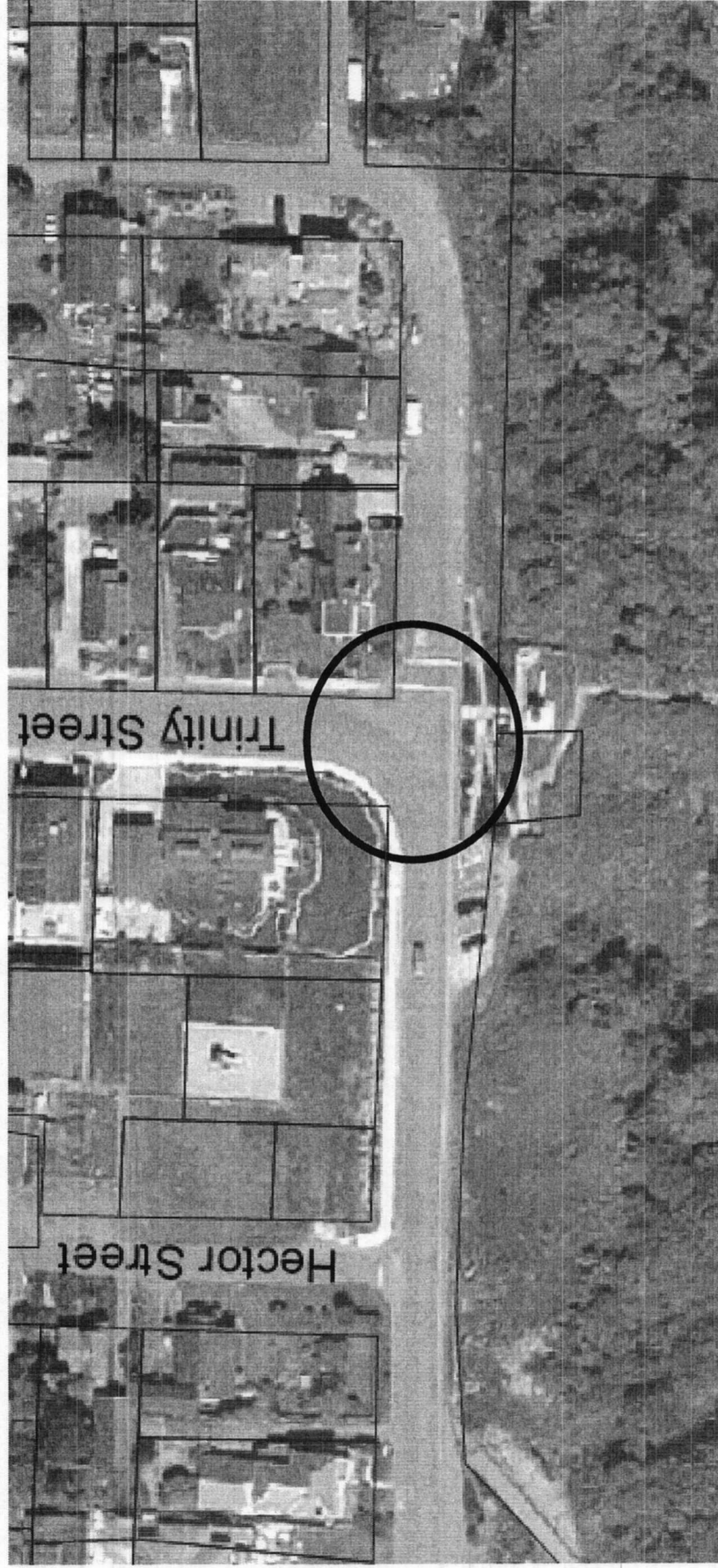
## DETAIL 1: EDWARDS / DRIVEWAY INTERSECTION



Not to Scale.

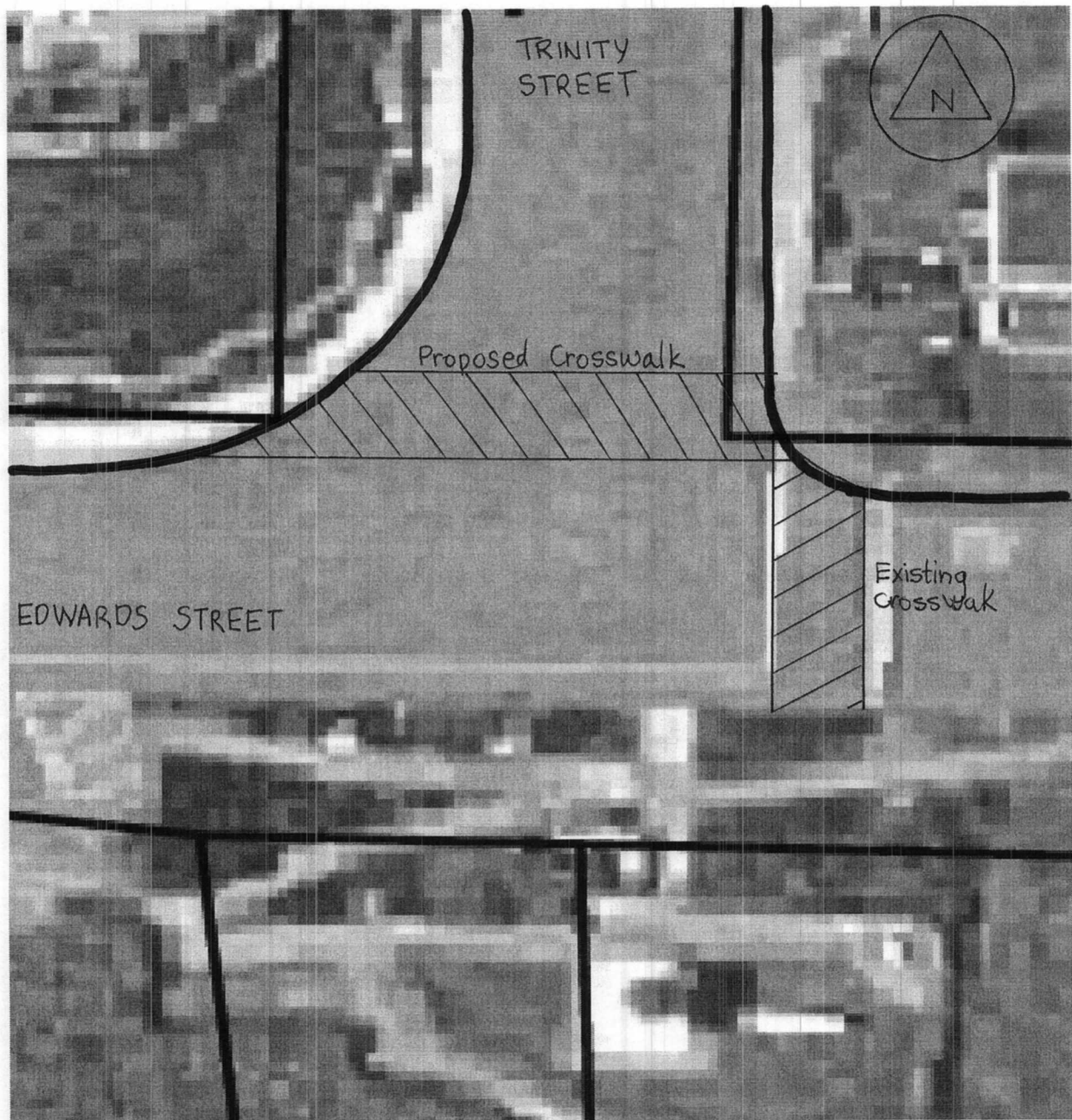


**EDWARDS STREET VIEW**  
**OCEAN TO HECTOR**



**SEE DETAIL 2**

## DETAIL 2: TRINITY / EDWARDS INTERSECTION



Not to Scale.

## **DISCUSSION/ACTION AGENDA ITEM X.2**

**Date: March 10, 2010**

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**Item:** **RESOLUTION 2010-05 APPROVING A GRANT APPLICATION FOR “COMMUNITY-BASED TRANSPORTATION PLANNING” FUNDS**

**Background:** This agenda item is related to the previous item regarding safety issues on Edwards Street.

At the last Council meeting, discussion resulted in a request to staff to pursue an application for funding to CalTrans under the “Community-Based Transportation Planning Grant” program. The deadline for that application is April 1, 2010 for the 2010-11 funding cycle.

The City’s partner in this project is proposed to be the California Local Government Commission. The LGS has extensive experience in analyzing communities where there is a desire on the part of the local jurisdiction to integrate traffic safety, safe pedestrian facilities, and urban design. Their process is to bring to the local community experienced individuals who can transfer other experiences and design solutions to the issues facing Trinidad.

If the City Council decides to move forward with this application, it would need to commit approximately \$6,000 in cash match in next year’s budget.

**Recommended Action:** Approve Proposed Resolution 2010-05.

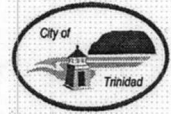
**Attachments:**

- 1) Proposed Resolution 2010-05; and
- 2) Description of CalTrans Planning Grant Program; and
- 3) Draft Scope of Services for the grant application; and
- 4) Draft Budget/Timeline for the grant application.



**OTRINIDAD CITY HALL**  
P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

**Stan Binnie, Mayor**  
**Gabriel Adams, City Clerk**



**RESOLUTION 2010-05**

**Support the Submittal of an Application for Funding to the California Department of Transportation for a "Safe Streets" Planning Grant**

**WHEREAS**, the Trinidad City Council at times seeks federal, state, or local financial assistance for the purpose of implementing its plans and policies; and

**WHEREAS**, the City Council has identified traffic and pedestrian safety issues with Edwards, Trinity, and Main Streets; and

**WHEREAS**, funds are competitively available from the California Department of Transportation through its "Community Based Transportation Planning" Program; and

**WHEREAS**, the California Local Government Commission has analyzed many similar traffic and pedestrian safety challenges in communities in the State and related those challenges to urban design solutions.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Trinidad desires to apply for and receive funding under this program for the purpose of working cooperatively with the Local Government Commission in planning safe and improved streets for the residents of the City of Trinidad; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Council will apply for \$71,179 under the program for this purpose, and that the City Council does hereby allocate \$5,932 toward the required local matching funds for this program;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Manager is authorized by the Council to represent the City in applying for and accepting these funds.

**PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL** of Humboldt County of the State of California this 10<sup>th</sup> day of March, 2010.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

**Attest:**

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

\_\_\_\_\_  
**Stan Binnie**  
Mayor

# **COMMUNITY-BASED TRANSPORTATION PLANNING and ENVIRONMENTAL JUSTICE**

An electronic version of this guide and other grant-related resources are available at the following web site:  
<http://www.dot.ca.gov/hq/tpp/grants.html>

# **Community-Based Transportation Planning and Environmental Justice**

## **PURPOSE**

The Community-Based Transportation Planning (CBTP) grant program funds coordinated transportation and land-use planning projects that encourage community involvement and partnership. Projects must support livable/sustainable community concepts with a transportation or mobility objective and promote community identity and quality of life.

Environmental Justice (EJ) planning grants are intended to promote the involvement of low-income and minority communities, and Native American Tribal Governments, in the planning for transportation projects to prevent or mitigate disproportionate, negative impacts while improving their mobility, access, safety, and opportunities for affordable housing and economic development.

## **CBTP GRANT SPECIFIC OBJECTIVE**

Project proposals should involve conceptual-level plans or study activities that encourage community-based stakeholder collaboration and consensus building through active public engagement. Each proposal should display a transportation/land use benefit that will likely induce additional benefits. Competitive project proposals should describe how the project will be implemented.

## **EJ GRANT SPECIFIC OBJECTIVE**

Proposed projects should have a clear focus on transportation and community development issues that address the interests of low-income, minority, Native American, and other under-represented communities.

## **WRITING TO GOALS AND OBJECTIVES**

The State Transportation Planning goals provide the framework or basis for the CBTP and EJ grant programs. These goals are general statements or visions that Caltrans values and wants to ultimately achieve. A competitive grant application would address and articulate how the project relates to multiple State goals.

Grant Specific Objectives are the intermediary step between the goal and implementation. The grant program objectives indicate the specific purpose of each grant program. The proposed projects are the means of implementing the objectives and the goals. When preparing a grant application, bear in mind the goals as well as the purpose or objective of each grant program.

In addition, Caltrans supports ongoing Regional Blueprint Plan and Sustainable Communities Strategy (SCS - SB 375) efforts. A competitive grant application would address how the project may help implement a Regional Blueprint or SCS if one exists or is being developed for that location.



## **Community-Based Transportation Planning and Environmental Justice (Continued)**

### **CBTP GRANT BONUS SCORING**

For the 2010/2011 CBTP grant cycle, those applications received from local governments participating in the California Department of Housing and Community Development's (HCD) *The Catalyst Projects for Sustainable Strategies Pilot Program*, will receive ten bonus points if the following condition is met:

- The individual application will compete against all applications being evaluated and must score in the top 33 percent. If the application scores in the top 33 percent, ten bonus points will be added to the initial evaluation score. So, if the initial application score is 80 points and falls in the top 33 percent of all scores, ten bonus points will be added, for a total score of 90 points.

For more information on the Catalyst Pilot Program, please contact HCD at (916) 323-3176 or visit their website at:

<http://www.hcd.ca.gov/>

### **EXAMPLES OF PROJECT TYPES**

- Long-term sustainable community/economic development growth studies or plans
- Community to school linkage studies or plans
- Jobs and affordable housing proximity studies or plans
- Transit Oriented/Adjacent Development or "transit village" studies or plans
- Infill or compact development studies or plans
- Mixed-land use development studies or plans
- Context-sensitive streetscapes or town center studies or plans
- Complete street studies or plans
- Suburban community or urban commercial corridor retrofit studies or plans
- Community revitalization studies or plans

### **WHO MAY APPLY**

Metropolitan Planning Organizations (MPOs), Regional Transportation Planning Agencies (RTPAs), cities, counties, transit agencies, and federally recognized Native American Tribal Governments may apply for this grant program directly as an applicant or as a sub-recipient to a lead applicant. Universities and community colleges, community-based organizations, non-profit organizations (501.C.3), and public entities may only apply as a sub-recipient with an MPO, RTPA, city or county as the lead applicant. Sub-recipients are encouraged to work far in advance of the application deadline with the appropriate lead applicant to coordinate application development.

Local governments participating in the California Department of Housing and Community Development's *The Catalyst Projects for Sustainable Strategies Pilot Program* are welcome to apply.

# **Community-Based Transportation Planning and Environmental Justice (Continued)**

## **LOCAL RESOLUTION REQUIREMENT**

A local resolution from the applicant's governing board stating the title of the person authorized to enter into a contract with Caltrans must be included with the application. The local resolution is a critical part of the grant application package. The following elements must be included:

- The resolution must be made by the governing board of the grant applicant.
- The resolution must name the title of the person authorized to enter into a contract with Caltrans on behalf of the applicant.
- The resolution must be enacted by the application deadline.

In addition, we recommend that applicants plan ahead to ensure that there is adequate time to get the resolution on the agenda of the governing board in order to meet the application deadline. Applications with missing resolutions, or resolutions that are enacted after the application deadline, are at a competitive disadvantage when compared to otherwise equally strong proposals that have met the deadline.

## **OVERALL WORK PROGRAM**

Once a Community-Based Transportation or Environmental Justice grant is awarded, MPOs and RTPAs who receive a grant must include the project as a formal work element in their Overall Work Program (OWP).

## **FUNDING**

An estimated \$6 million will be available for the FY 2010-2011 grant cycle **pending approval of the state budget**. Funding for each project requires a minimum 10 percent local match. One-quarter of the local match may include in-kind services. Local match funds cannot be state or federal, or money that has already been earmarked for other programs or projects. In-kind services must be clearly identified in the scope of work and may include staff time, use of equipment, and refreshments provided at public participation events.

## **FUNDING AVAILABILITY**

These grants have a time limit. All project funds must be encumbered during the first fiscal year (upon approval of the state budget). Work may begin during the year of encumbrance only after the Grantee receives a fully executed contract and has been notified by Caltrans to begin work. The contract development process typically takes 2-3 months. Applicants should reflect the contract development process in the scope of work and project schedule. The second and third fiscal years are for project-related activities.

### **February 28, 2013**

- Contract expires (**no time extensions will be granted**).
- Reimbursable work must be completed.

### **May 1, 2013**

- All final invoices must be submitted to Caltrans for approval and reimbursement. This allows Caltrans sufficient time to comply with the State Controller's Office payment requirements.

## **Community-Based Transportation Planning and Environmental Justice (Continued)**

### **FINAL PRODUCT**

Every final product delivered under the grant program is expected to be a documented study, plan, or concept that can be used by the applicant to further smart growth and a community's sustainability. Final products are expected to include identification of potential barriers to implementation and then propose strategies and tools that could address those barriers and advance the project toward implementation. Four copies and four electronic copies of the final product are required to be submitted to the district office.

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## PRELIMINARY

### SCOPE OF WORK

#### Complete Streets Community-based Plan for Trinidad, CA

The proposed *Complete Streets Community-based Plan for Trinidad* will be developed through a public participation process that involves an intensive, highly participatory multi-day public design process known as a “charrette”. The charrette is a broad-based community-driven planning process that has a record of success in crafting plans of high quality with community buy-in. Leading up to the charrette, a Community Advisory Committee and Focus Groups will be utilized to engage the public and ensure involvement. The result of these efforts will be a plan for Complete Streets along Trinidad’s main thoroughfare – from the Highway 101 interchange along Main Street, to Trinity Street, Edward Street, and terminating at the Bay. Project partners include the City of Trinidad, and a consultant team led by the Local Government Commission.

#### A. Preparation and Community Outreach

##### Task I: Project Planning and Coordination

The project partners will work with government agencies, property owners, local consultants with knowledge of the area, local businesses and residents to identify issues and stakeholders and gather physical planning information related to the study area.

- **Task 1.1:** At a kickoff meeting with Caltrans, the LGC and the City of Trinidad will assemble a contact list of public officials, businesses, neighborhood groups, service organizations, and other interested groups that reflect the demographics and perspectives of the community. During this trip, LGC staff, Michael Sweeney, and W-Trans staff will tour and photograph the area to document existing site conditions.
- **Task 1.2:** LGC will assemble and oversee the consultant team that will include Dan Burden of the Walkable and Livable Communities Institute; Michael Sweeney, AICP, Consulting Environmental Planner; W-Trans, and an illustrator.
- **Task 1.3:** The project partners will work with key representatives from the stakeholder list to determine the charrette schedule and an accessible location.
- **Task 1.4:** The LGC team will research, collect, and organize information for the study area including traffic volumes and counts, crash data, the City’s General Plan, speed studies, corridor studies, aerial and other base maps, and other relevant studies.
- **Task 1.5:** The LGC team will coordinate with the City of Trinidad and Caltrans to prepare base maps for the consultant team design development and for use during the design charrette.

Deliverable	Documentation
Identified community stakeholders	Lists of contacts
Draft and final charrette schedule	Final schedule/agenda
Collected information	List of planning data
Meeting and field visit	Agenda, participant list, digital photos
Produced aerial and plan view base maps	Base maps

## **Task 2: Outreach and Publicity**

In close coordination with the City of Trinidad, the LGC will lead the publicity effort throughout the course of the project.

- **Task 2.1:** Project partners will convene an advisory committee of 6-12 representatives from agencies, local organizations, community leaders and key community stakeholders to identify important issues and determine strategies to engage all segments of the community and to maximize participation in the charrette. The Advisory Committee will identify stakeholder groups to participate in 2 - 3 focus groups during the charrette. Likely groups include: community-service providers (including local agencies and districts), youth, and business / property owners.
- **Task 2.2:** LGC, in coordination with the City of Trinidad, will develop flyers and posters to publicize the charrette for community-wide distribution. A banner will be developed to hang over Main Street.
- **Task 2.3:** Businesses, the school, and service organizations will be asked to distribute flyers and information about the charrette through their communication networks.
- **Task 2.4:** LGC will assist the City in coordinating a direct mailing to residents of the City of Trinidad.
- **Task 2.5:** Press releases will be circulated to media partners identified by the City and the Advisory Committee. The City of Trinidad and Trinidad Chamber of Commerce will be asked to post announcements of the charrette event on their respective websites.
- **Task 2.6:** A second advisory committee meeting will be held to support outreach efforts and to solidify plans for the charrette events.

<b>Deliverable</b>	<b>Documentation</b>
Advisory Committee Meeting	Agenda, participant list, meeting notes
Outreach materials (media announcements, flyers, invitations, posters, etc.) & activities	Copies of materials and modes of outreach and distribution summary

## **B. Public Process**

### **Task 3: Charrette**

The charrette is the centerpiece of this proposed project. The LGC will organize and conduct the charrette with local coordination support from the City of Trinidad.

- **Task 3.1:** The charrette event is planned for four days. The purpose of the event will be to engage a representative cross-section of the community in a series of workshops aimed at identifying traffic safety issues, perceived traffic safety issues, mobility concerns, pedestrian and bicycle accessibility, opportunities for traffic calming, beautification, and other issues. The proposed schedule is as follows:  
DAY 1: Design team arrival, orientation, and two - three focus group meetings.  
DAY 2: Facilitated walking audit and opening community meeting with visual presentation, engagement exercises, and community design tables.  
DAY 3: Charrette team members will spend two days on site in intense production developing initial plan concepts and graphics.  
DAY 4: Evening presentation of concepts and alternatives to the community for feedback, comments and guidance.

<b>Deliverable</b>	<b>Documentation</b>
Attendance record	List of charrette participants
Charrette activity responses	Summary of responses (values, priorities, design table ideas, etc.)
PowerPoint™ presentations	Copies of presentations

### **C. Plan Development**

#### **Task 4: Draft and Final Plan**

The LGC team will develop the plan components based on public input from the charrette and information gleaned from focus groups, city staff and the Advisory Committee. Complete streets concepts will be described and illustrated through photo-simulations, renderings, street sections and other graphics.

- **Task 4.1:** Within three months of the charrette, the consultant team will prepare and circulate an administrative draft of the plan for review by the City of Trinidad and Caltrans.
- **Task 4.2:** Following the administrative draft, the consultant team will issue a draft plan for community review.
- **Task 4.3:** The consultant team will present the plan to the Trinidad City Council.
- **Task 4.4:** The consultant team will make revisions and finalize the plan. Electronic files and 20 copies of the final report will be provided to the City.

<b>Deliverable</b>	<b>Documentation</b>
Completed draft plan document	Copies of draft report in pdf
Completed revised final plan document	Copies of 40+ page plan in pdf and paper formats, and web ready files for public access

### **D. Administration**

#### **Task 5: Administration**

Grant administration will be handled by the City of Trinidad including contracting, progress reporting, accounting, invoicing, and provision of documentation as required by Caltrans.

<b>Deliverable</b>	<b>Documentation</b>
Progress reporting	Documentation as required by Caltrans
Invoicing and accounting	Documentation as required by Caltrans

#### **Proposed Project Consultant Team:**

The project consultant team will be led by the Local Government Commission (LGC), a nonprofit organization with extensive technical skills and whose rates are typically lower



than private consulting firms. Dan Burden, Executive Director of the Walkable and Livable Communities Institute, Inc., will be the lead facilitator and presenter during the charrette. The LGC and Dan Burden have worked on over 20 Caltrans-funded Community Planning projects together in the past 9 years (including Hoopa and the Trinidad Rancheria). Michael Sweeney, AICP, will join the team as a local environmental planner with extensive experience working with rural and Native American communities on the North Coast on transportation planning and community design issues. W-Trans, a Santa Rosa-based traffic engineering and transportation planning firm with Complete Streets expertise, will serve as the traffic engineer for the project.

### **City of Trinidad**

The City of Trinidad is the lead applicant for this project. The City will be the grant recipient and will execute the contract with Caltrans and the sub-recipient. Staff from the City will review grant products, and perform grant administration functions as required. The City will identify staff members to participate in all aspects of the project, and will provide in-kind support.

### **The Local Government Commission (LGC)**

In close coordination with the City of Trinidad staff, LGC will organize and facilitate the public planning process, assemble and oversee the project consultant team, and prepare portions of the final report and plan. LGC is a 501(c) 3 non-profit membership organization that has been assisting California local governments for over 25 years. LGC assists localities in creating more economically vibrant, environmentally sustainable, and civically involved communities. LGC has conducted over 30 design charrettes throughout California since 2001 and has written many guidebooks including *Participation Tools for Better Land Use Planning*, *A Policymaker's Guide to Infill Development*, and *Street Design Guidelines for Healthy Neighborhoods*, which are distributed nationally by the American Planning Association. Land Use/Transportation Programs Director Paul Zykofsky, AICP, will direct the LGC's work and facilitate the design charrettes. He will be assisted by a Project Manager who has conducted community design charrettes in small towns.

### **The Walkable and Livable Communities Institute, Inc.**

Dan Burden, Executive Director of the Walkable and Livable Communities Institute will serve as lead facilitator and presenter during the charrette. The Institute's mission is to make cities and towns throughout the world walkable, bicycle and transit friendly, livable, sustainable, socially engaging and welcoming places by improving their built form. The Institute provides a living classroom where leaders and practitioners learn how to assess the opportunities and constraints of the built environment.

Dan Burden is an internationally recognized authority on bicycle and pedestrian facilities and programs, livability, sustainability and Smart Growth. He brings together many disciplines and issues – street design, traffic calming, living streets, public safety, bicycling, and greenways – into a holistic vision for creating healthy, livable, sustainable and prosperous communities. Dan is a master facilitator that connects with his audience.

The more controversial a topic the more people turn to Dan to address change, provide the latest ideas and best practices. Dan has visited and worked in over 2,700 communities. In 2001, Time Magazine listed Dan as "One of the Six Most Important Civic Innovators in the World." He is the author of numerous publications, including *Street Design Guidelines for Healthy Neighborhoods*, *Citizens' Guide to Traffic Calming*, *Guide to Traffic Calming and Emergency Response*, and *ITE's Traffic Safety Toolbox*.

**Michael Sweeney, AICP, Consulting Environmental Planner**

Mr. Sweeney will lead the design team in the initial stage of collecting and analyzing background information. He will be a valuable design team partner during the charrette event. Mr. Sweeney has over 30 years of experience in project management, public involvement workshops, concept feasibility studies, project design development and permitting, and environmental impact assessment. The LGC and Michael Sweeney have worked together on five Caltrans-funded charrette-based planning projects including the Hoopa Valley Indian Reservation, Mooretown Rancheria, Smith River Rancheria, Chico, and Cutler-Orosi. In 2009, Mr. Sweeney worked with the LGC to assist the Trinidad Rancheria in concept planning for a new interchange at Highway 101 and the Rancheria.

**W-Trans**

Whitlock & Weinberger Transportation, Inc. (W-Trans) provides traffic engineering and transportation planning services with goals of maximizing mobility within available resources and transforming streets to serve all potential users. Their strength and focus is on balancing the technical needs and functionality of traffic with the desire of communities to create more livable streets and sustainable transportation systems. They are traffic engineering practitioners grounded in technical traffic engineering theories and analyses who apply these skills to create innovative transportation solutions involving traffic calming, pedestrian friendly operations, and livable street endeavors.

A graphic illustrator will also join the design team to provide sketches and renderings of landscape treatments, street sections, and plan views that illustrate concepts generated by the community.

## PROJECT TIMELINE

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**Fiscal Year 2010-11  
TRANSPORTATION PLANNING GRANT  
APPLICATION**

<b>Community-Based Transportation Planning and Environmental Justice Planning Grants</b>		
<b>Local Match Calculator</b>		
Grant Funds Requested	\$71,179.00	90.00%
Local Match - Cash	\$5,932.00	7.50%
Local Match - In-Kind	\$1,975.00	2.50%
Total Project Cost	\$79,086.00	100%
<i>Local Match total must be a minimum of 10%</i>		
Total Local Match %		10.00%
<i>In-Kind Match cannot exceed 25% of total match amount</i>		
In-Kind % of Total Local Match		25%



## **DISCUSSION/ACTION AGENDA ITEM X.3**

**Date: March 10, 2010**

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**Item:** **REPORT ON CITIZEN COMPLAINT ON LAND USE AND BUILDING CODE VIOLATIONS**

**Background:** At the last City Council meeting, Trinidad resident Pat Morales read complaint regarding several alleged violations of building or planning code violations in the City. She subsequently provided a written copy of her statement.

The City Council requested that the City Manager review the complaints, research their history, and report back to the Council.

**Staff Recommendation:** Receive and file the staff report, and take whatever other action is deemed appropriate by the members of the City Council..

**Attachments:**

- 1) Letter of complaint by resident Pat Morales; and
- 2) Staff report requested by the City Council in response to the complaint.

People know me as being loud. I feel I am just a person whose decible level rises when I am talking about something I am passionate about. So, I have written down what I have to say, otherwise I will go thru the roof.

I am a member of the Vacation Dwelling Unit Committee.... for the time being. I would like to talk to the Council about just how bad things are in the research regarding some of these properties

I want to start with Redwood Coast Vacation Rentals, Property Manager, Mike Reinman. As the staff and council already know, Mr. Reinman has a vacation rental behind his home that is illegal. Rather than make Mr Reiman comply with City Building Codes or laws of the city, he is allowed to continue renting this unit. As a former Investment Banker on Wall Street, Mr. Reinman is now a teacher in Crescent City and a property manager. At our VDU meeting he spoke nothing about how vacation rentals could be controlled or gave any real input. Just talked about himself and his property rights.

When Mr. Reinman bought his 4 plex, he knew there was a buildable lot directly in front of his view from the rental units. So, when the Marshall's, who had, after over a year of obeying the laws, going to all the proper authorities and changing their plans drastically, finally received all their permits, Mr. Reinman appealed to authorities, which is his right, that the home built in front of his 4-plex would damage the bluff with runoff from a septic system installation and who knows why else. The Marshall's are now having to wait for the appeals process, and who knows how long that will take.

The reason I tell this story is that while Mr. Reinman is so concerned about septic systems and runoff, he has a 2 bedroom, 1 bath vacation apartment in his 4-plex, that says on his website, can accommodate 6 people. One bathroom for 6 people??? Two bedrooms for 6 people? I wonder what his runoff is like? Then I see his home on Parker Creek Road is good for 12 guests.

It is a 3 bedroom 3.5 bath home with a loft. A loft is not a bedroom. This property has also had work done without permits or inspections. Another question is where in world are the renter's cars going to park. It only has a 2 car garage. Talk about a hypocrite! Sure glad I don't live on Parker Creek Rd.

Now, we have another home on Wagner St. by Trinidad Retreats on the private part of the road which has 2 bedrooms and up to 8 guests can stay in that. Trinidad Retreats calls it 3 bedrooms, but what they consider a third bedroom is a den. It does not have a closet! There have been numerous complaints about that unit. As a matter of fact I was called with a complaint about it just because I'm on this VDU committee. The number of cars parked at the home reached five. Visitors should be asked to park elsewhere, especially on this street!

And, last but certainly not least, the Trinidad Bay Bed and Breakfast. When it originally was turned into a B & B in 1985, the deed said that laundry could not

be done there. My understanding is that original deed carries on, and looking thru paperwork for the B&B, the Coastal Commission, City Council and Planning Commission all **require hiring a linen service**. Yet, loads and loads of laundry are done daily not counting any dishwashing. If it isn't all done there, Mike Morgan uses his own laundry in his home. Imagine that runoff! Another hypocrite! You would think a Council Member would obey the laws in the city he represents. Hire a laundry service or shut down!

I understand that the Property Manager's are working to get the most for the owner's who hire them, and they all talk about how they love this town, but if they are so concerned about runoff and other issues like this why can't they police themselves and the owners on what is best for the city and the problems these rentals are causing.

The City knows of all these complaints and violations yet does nothing to enforce them. This city needs to learn to be pro-active rather than waiting until all the damage is done. And if they pass laws and ordinances, these should be enforced.

I will attend one more VDU committee meeting. I will turn in my thoughts of what or how I feel the council should handle some of the problems. Take it or leave it. I will not work with people who talk the talk, but don't really care or can't obey laws.

Possibly we should change our city name to Atlantis, as we are bound to end up at the bottom of the ocean with our greed and septic waste.

Pat Morales  
2/10/10





## **Staff Report:** **Response to Alleged** **Land Use and Building Code Violations**

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This report was requested by the City Council and is in response to written statement of complaints by Trinidad resident Pat Morales. Four complaints were submitted to the Council in oral and written form on February 10, 2010:

1. Allegation that Trinidad resident and property owner Michael Reinman did not obtain building permits when his property at 178 Parker Creek Drive was improved in 2009;
2. Allegation that Trinidad resident and property owner Michael Reinman continues to rent an illegal accessory dwelling unit (ADU) behind his residence at 407 Ocean Street despite documented warnings from the City that he had not corrected the violations;
3. Allegation that Trinidad resident and property owner Mike Morgan is not properly abiding by restrictions against doing laundry at the Trinidad Bay Bed and Breakfast at 560 Edwards Street; and
4. Allegation that Trinidad resident and property manager Gayle Saunders is not controlling excessive parking by occupants at a vacation rental at 376 Wagner Street.

Each of the complaints was researched by staff since the 2/10/10 City Council meeting. Documents which support the statements in this report are not attached but are available for review. In addition, each of the persons involved in the complaints was contacted. Following is factual information regarding the complaints.

### **Building Permits at 178 Parker Creek Drive**

Three building permits were issued by the City in relation to the improvements at the structure on Parker Creek Drive. The owner of the property also obtained a permit from the County Health Department to improve the septic system on the property. The City permits were issued at different times and dealt with the removal and replacement of a deck, the construction of a parking pad, and electrical work that was done.

Permits for the latter two improvements were issued after the owner and/or contractor was contacted and informed that work already underway required a permit. The owner and/or contractor subsequently obtained the permits.

Trinidad's Building Inspector visited the site numerous times. After lengthy and sometimes contentious discussions and on-site changes to the work that was done, the deck work was deemed to be completed. The parking pad was also controversial, but ultimately agreement was reached regarding an acceptable interpretation of the building codes. The electrical work was completed in the summer, 2009, and the permit was subsequently issued for that work. The City's records do not show that any of the work was "final" by the Building Inspector, and the owner has also not been able to produce any final inspection documentation.

**Solution:** Fees were paid for the permits. Staff is arranging for the City's new building inspector to visit the site and sign off on the work that was done. If problems remain, they will have to be corrected, and the unit should not be occupied until corrections are made.

#### **Continued Use of an Illegal Accessory Dwelling Unit at 407 Ocean**

The presence of an illegal accessory dwelling unit at the rear of 407 Ocean Street is well documented in City records. There are three issues: improvements to a garage building without appropriate building permits; planning/zoning requirements that are not being met; septic system issues.

In 2008, the City notified the owner that the rear unit could not continue to be used (at that time as an advertised vacation dwelling unit) until it satisfies documented planning and other deficiencies. The owner would need to request a variance from the Trinidad Planning Commission for setback requirements from the alley. There would also be needed an inspection and potentially an upgrade to the septic system that would accommodate the three-bedroom house and the accessory dwell in unit, if this could be permitted by the County Health Department. Finally, work done on the structure should be permitted and inspected.

**Solution:** A letter will be sent outlining the steps that need to be taken to bring the accessory dwelling unit into conformance with City and County Health Department requirements. In the meantime, the unit should not be occupied until the corrections are made.

#### **Conditional Use Permit Requirements for the Trinidad Bay Bed and Breakfast**

In 1985, the Trinidad Planning Commission approved a request by the owners of the property at 560 Edwards Street to operate the Trinidad Bay Bed and Breakfast. A Conditional Use Permit (CUP) was issued. The CUP requirements do not have an end date, and the permit applies to the property and transfers to any new ownership as long as the business type remains the same.

The approval carried with it two conditions: 1) that "commercial linen service be used;" and 2) that in the "event of a septic system failure this permit will be discontinued until the system is brought up to standards or replaced."

It is unclear at this point whether or not the original owners or subsequent owners completely abided by the first condition of the permit. The current owner has stated that he was unaware of the condition, but that he is annually providing maintenance of the septic system.

**Solution:** The current owner, or subsequent owners, must follow the condition as placed by the Planning Commission in 1985. An option would be to request a change to that condition and demonstrate why that change would be appropriate.

#### **Neighborhood Nuisance of Parking at a Vacation Dwelling Unit at 376 Wagner Street**

At least one of the residents nearby a vacation dwelling unit on Wagner Street has periodically complained about the number of people and the resulting number of cars associated with the rental. The complaint is that there are not enough off-street parking places, and therefore visitors' cars are on the narrow street and make use of the street difficult for the neighbors.

This portion of Wagner Street is not a City-owned street. It is easement on each property that allows access to the adjacent properties. The easements are not granted to the City, but rather they exist on each of the properties to provide access for their neighbors or occupants, who would otherwise have a land-locked parcel. As such, the City has limited ability to regulate the use of these private-property easements.

**Solution:** There are several other examples in Trinidad where access to private properties is provided by a private easement versus a City street. The City can respond to noise or other public disturbance nuisances, but specific traffic or parking related issues are not in the City jurisdiction. The exception to this would be when a private property's vehicular access is blocked. Perhaps there is a method of limiting the number of vehicles at this location as the City considers regulations on vacation dwelling units, but this would not prohibit a private owner from doing the same thing which is now objectionable *if* the property was simply a large-family household with multiple vehicles.

SA  
2/25/10